

*In re: '318 Patent Infringement Litigation,  
C.A. No. 05-356 (KAJ) (consolidated) (D. Del.)*

# **EXHIBIT 1**

## **to Defendants' 12-16-05 Letter:**

Excerpts of 10/12/2005 Transcript  
of Scheduling Conference

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

JANSSEN PHARMACEUTICA N.V.,  
JANSSEN, L.P., and SYNAPTECH, INC., : CIVIL ACTION  
Plaintiffs, :  
v :  
TEVA PHARMACEUTICALS USA, INC., and :  
TEVA PHARMACEUTICAL INDUSTRIES, LTD., :  
Defendants. : NO. 05-356-KAJ

JANSSEN PHARMACEUTICA N.V., :  
JANSSEN, L.P., and SYNAPTECH, INC., :  
Plaintiffs, :  
v :  
MYLAN PHARMACEUTICALS, INC., :  
and MYLAN LABORATORIES, INC. :  
Defendants. : NO. 05-371-KAJ

JANSSEN PHARMACEUTICA N.V., :  
JANSSEN, L.P., and SYNAPTECH, INC., :  
Plaintiffs, :  
v :  
DR. REDDY'S LABORATORIES, INC., :  
and DR. REDDY'S LABORATORIES, LTD., :  
Defendants. : NO. 05-380-KAJ

Wilmington, Delaware  
Wednesday, October 12, 2005 at 9:00 o'clock, a.m.  
SCHEDULING CONFERENCE

BEFORE: HONORABLE KENT A. JORDAN, U.S.D.C.J.

-----  
JANSSEN PHARMACEUTICA N.V., : CIVIL ACTION  
JANSSEN, L.P., and SYNAPTECH, INC., :

Plaintiffs,

v

BARR LABORATORIES, INC., and  
BARR PHARMACEUTICALS INC.

Defendants.

: NO. 05-381-KAJ

-----  
JANSSEN PHARMACEUTICA N.V., :  
JANSSEN, L.P., and SYNAPTECH, INC., :

Plaintiffs,

v

PUREPAC PHARMACEUTICALS CO.  
and ALPHARMA, INC.,

Defendants.

: NO. 05-382-KAJ

-----  
JANSSEN PHARMACEUTICA N.V., :  
JANSSEN, L.P., and SYNAPTECH, INC., :

Plaintiffs,

v.

ALPHARMA PTY., LTD.,

Defendant.

: NO. 05-420-KAJ

-----  
JANSSEN PHARMACEUTICA N.V., :  
JANSSEN, L.P., and SYNAPTECH, INC., :

Plaintiffs,

v.

PAR PHARMACEUTICAL, INC. and PAR  
PHARMACEUTICAL COMPANIES, INC.,

Defendants.

: NO. 05-451-KAJ  
-----

1 APPEARANCES:

2 ASHBY & GEDDES  
3 BY: STEVEN J. BALICK, ESQ.

4 -and-

5 COVINGTON & BURLING  
6 BY: GEORGE F. PAPPAS, ESQ.,  
7 LAURA H. McNEILL, ESQ.  
(Washington, District of Columbia)

8 -and-

9 JOHNSON & JOHNSON  
10 OFFICE OF THE GENERAL COUNSEL  
BY: STEVEN P. BERMAN, ESQ.  
(New Brunswick, New Jersey)

11 Counsel for Janssen Pharmaceutica  
12 N.V., Janssen, L.P. and Synaptech Inc.

13 YOUNG CONAWAY STARGATT & TAYLOR  
14 BY: JOHN W. SHAW, ESQ.

15 -and-

16 KIRKLAND & ELLIS, LLP  
BY: EDWARD C. DONOVAN, ESQ.  
(Washington, District of Columbia))

17 Counsel for Teva Pharmaceuticals  
18 USA, Inc. and Teva Pharmaceutical  
19 Industries, Ltd.

20 MORRIS JAMES HITCHENS & WILLIAMS, LLP  
21 BY: MARY MATTERER, ESQ.

22 -and-

23 RAKOCZY MOLINO MAZZOCHI SIWIK  
BY: WILLIAM RAKOCZY, ESQ.  
(Chicago, Illinois)

24 Counsel for Mylan Pharmaceuticals,  
25 Inc. and Mylan Laboratories, Inc.

1 APPEARANCES: (Continued)

2  
3 POTTER ANDERSON & CORROON  
4 BY: RICHARD L. HORWITZ, ESQ.

5 -and-

6 BUDD LARNER  
7 BY: STUART D. SENDER, ESQ.  
8 (Short Hills, New Jersey)

9  
10 Counsel for Dr. Reddy's Laboratories,  
11 Inc. and Dr. Reddy's Laboratories Ltd.

12  
13 RICHARDS LAYTON & FINGER  
14 BY: FREDERICK L. COTTRELL, III, ESQ.

15 -and-

16  
17 CAESAR RIVISE BERNSTEIN COHEN & POKOTILOV, LTD.  
18 BY: ALAN H. BERNSTEIN, ESQ., and  
19 MONA GUPTA, ESQ.  
20 (Philadelphia, Pennsylvania)

21 Counsel for Alpharma Pty., Ltd.

22  
23 PHILLIPS GOLDMAN & SPENCE, P.A.  
24 BY: JOHN C. PHILLIPS, JR., ESQ.

25 -and-

WINSTON & STRAWN, LLP  
BY: TARAS ALEXANDER GRACEY, ESQ., and  
LYNN M. URLICH, ESQ.  
(Chicago, Illinois)

Counsel for Barr Laboratories, Inc.  
and Barr Pharmaceuticals Inc.

THE BAYARD FIRM  
BY: RICHARD D. KIRK, ESQ.

Counsel for Purepac Pharmaceutical Co.  
and Alphapharma Inc.

1 APPEARANCES: (Continued)

2

3

POTTER ANDERSON & CORROON  
BY: PHILIP A. ROVNER, ESQ.

4

-and-

5

6

ARENT FOX PLLC  
BY: JANINE A. CARLAN, ESQ., and  
JOHN K. HSU, ESQ.  
(Washington, District of Columbia)

7

8

Counsel for Par Pharmaceutical, Inc.  
and Par Pharmaceutical Companies, Inc.

9

10

Brian P. Gaffigan  
Registered Merit Reporter

11

12

13

- oOo -

14

P R O C E E D I N G S

15

16

(REPORTER'S NOTE: The following scheduling  
conference was held in open court, beginning at 9:00 a.m.)

17

THE COURT: Good morning. Please be seated.

18

19

(The attorneys respond, "Good morning, Your  
Honor.")

20

21

THE COURT: Thanks for all coming up to visit  
this morning. Let's go ahead and do some introductions.

22

23

MR. BALICK: Your Honor, good morning. Playing  
to a packed house, I see.

24

THE COURT: Yes.

25

MR. BALICK: Your Honor, from the Covington &

1 one individual from Mylan who purports to have any knowledge  
2 of why they filed this case. So if that is what we're up  
3 against, that is one story. If, on the other hand, we begin  
4 to get disclosures of parties, individuals who really have  
5 knowledge, then we'll be able to move this thing along. So  
6 we'll just take it as we can. Hopefully, we'll get that  
7 kind of cooperation.

8 THE COURT: Yes, I always try to be an optimist  
9 at the outset.

10 MR. PAPPAS: I am, too, at the outset.

11 THE COURT: Yes.

12 MR. PHILLIPS: Your Honor, just one quick  
13 point. I mean there is nothing that would have prevented  
14 the plaintiffs from initiating the foreign discovery well  
15 before now, so some of that burden is theirs to bear also.  
16 But moving on, I don't want to nitpick at it.

17 THE COURT: Good.

18 MR. PHILLIPS: I'd like to introduce Taras  
19 Gracey who has been admitted pro hac.

20 THE COURT: All right. Mr. Gracey.

21 MR. GRACEY: Hi, judge. I just wanted to clear  
22 up a couple of points. Yes, there are 13 parties but, for  
23 instance, Barr Laboratories filed the ANDA, and it and its  
24 parent, Par Pharmaceuticals were both named, so in reality  
25 there are seven parties.

1           The other thing is, I just want to indicate,  
2   if we come to the point, we defendants, whereby one or all  
3   of us concede that, yes, the ANDA would fall within these  
4   claims, thereby truncating any need for long delayed  
5   discovery on alleged infringement and it really just comes  
6   down to a validity case, I really think that would  
7   significantly speed up the trial date, particularly with it  
8   being a bench trial, and cut back the amount of discovery  
9   time.

10           THE COURT: I don't disagree. Well, go ahead  
11   and surprise me. Because it would surprise me if -- but I  
12   would be delighted to be surprised, Mr. Gracey, if everybody  
13   said, "You know what? We confess infringement. This is  
14   only a validity case. We're going to cooperate with your  
15   experts. We're going to have combined experts." And  
16   then this case goes from a two-week bench trial to a  
17   three-or-four day bench trial, and you can bring it on in.  
18   Hey, we can do it in a year.

19           MR. GRACEY: Okay. I just wanted to make sure.

20           THE COURT: Let me interrupt and say I don't  
21   think the plaintiffs would have a problem with that. I  
22   think the plaintiffs would be delighted, and so would I.

23           MR. GRACEY: Well, the problem is delay benefits  
24   the plaintiffs. They keep their monopoly going, they keep  
25   making money if they push us out to 2008.